

# SENATE . . . . . No. 703

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## The Commonwealth of Massachusetts

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PRESENTED BY:

**Morrissey, Michael (SEN)**  
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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to allow Division of Industrial Accident judges the ability address fraud by claimants.

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PETITION OF:

NAME:

Morrissey, Michael (SEN)

DISTRICT/ADDRESS:

Norfolk and Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S01082 OF 2007-2008.]

## **The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**

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AN ACT TO ALLOW DIVISION OF INDUSTRIAL ACCIDENT JUDGES THE ABILITY  
ADDRESS FRAUD BY CLAIMANTS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority  
of the same, as follows:*

1           SECTION 1. Section 14 Chapter 152 of the General Laws, as appearing in the 2004  
2   Official Edition, by inserting at the end there of the following new paragraph:-

3           If an administrative judge determines that any party defrauded, or attempted to defraud  
4   another party, at any time that the claimant had an active claim for benefits or was receiving  
5   benefits under this chapter, the defrauding party shall be assessed the whole costs of proceedings  
6   at which the fraud was established including attorney's fees and a penalty, payable to the  
7   aggrieved party, in an amount of the average weekly amount wage in the Commonwealth  
8   multiplied by six. Any employee who has received payments for compensation pursuant to a  
9   claim found to be fraudulent under this subsection shall reimburse the amount of such payment  
10   to the insurer or self insurer. Sufficient evidence to establish the fraud may be supplied by  
11   admission of the party, by actions witnessed by the administrative judge during a hearing or  
12   other event in court, by testimonial evidence of a witness or witnesses, by videotape evidence,

13 and/or by documentary evidence. Fraudulent activity includes, but is not limited to working and  
14 being paid for work while receiving compensation pursuant to sections 34 or 34A; making a  
15 knowing and material misrepresentation to a doctor, nurse or other medical provider, or  
16 representative of the insurer; and knowingly causing another to make a material  
17 misrepresentation on behalf of the defrauding party.